

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

KATRIEL BEN YISRAEL, )  
a/k/a BERNARD S. HOOKS, )  
Plaintiff, )  
v. ) No. 4:24-CV-00260 JSD  
UNITED STATES OF AMERICA, )  
et al., )  
Defendant, )

## **OPINION, MEMORANDUM AND ORDER**

Before the Court is plaintiff Katriel Ben Yisrael's post-dismissal motion for return of the fully-paid filing fee. [ECF No. 8]. After review of the record and this Court's Local Rules, the Court will deny plaintiff's motion.

Plaintiff Katriel Ben Yisrael, a pro se litigant, filed this civil rights action on February 16, 2024. Because plaintiff had neither paid the \$405 filing fee nor filed a motion to proceed in forma pauperis, on February 21, 2024, the Court ordered plaintiff to not only amend his complaint on a Court-provided form, but also pay the full filing fee or file a motion to proceed in forma pauperis by March 13, 2024. [ECF No. 4]. Although plaintiff paid the \$405 filing fee on March 13, 2024, he failed to file an amended complaint in accordance with this Court's February 16, 2024 Memorandum and Order. As such, this action was dismissed pursuant to Federal Rule of Civil Procedure 41(b), for failure to comply with the Court's Order, on March 21, 2024. [ECF No. 6].

On March 27, 2024, without any argument or justification, plaintiff filed a motion seeking return of the \$405 filing fee. Because this Court’s Local Rules require that a filing fee be collected “in advance” by the Clerk of Court, except when a litigant is proceeding in an action in forma

pauperis, the Court will decline to return the \$405 filing fee to plaintiff. *See* E.D.Mo.L.R.5.11(B)(1).

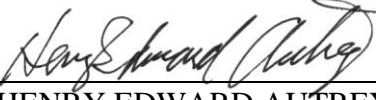
Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for return of the filing fee [ECF No. 8] is **DENIED**.

**IT IS FURTHER ORDERED** that an appeal of this Order would not be taken in good faith.

Dated this 2<sup>nd</sup> day of April, 2024.

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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE